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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Jose Francisco Garcia-Coronado,

13 Defendant.
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No. CR-13-01297-001-TUC-DCB (CRP)

ORDER

15 On April 13, 2020, the Defendant filed an Emergency Motion for Compassionate
16 Release alleging that he is high-risk due to health reasons for COVID-19. (Docs. 204,205).
17 The Court called for a Response. The Government argues that the motion should be denied
18 procedurally because the Defendant failed to exhaust administrative relief proceedings.
19 “The administrative exhaustion requirement in § 3582(c)(1)(A) is mandatory and
20 jurisdictional.” (Response (Doc. 207) at 7 (citing *Shaw v. Bank of America Corp.*, 946 F.3d
21 533, 541 (9th Cir. 2019) (“statutorily-provided exhaustion requirements deprive the court
22 of jurisdiction”) (citation omitted)). The Government objects on the merits because the
23 Defendant’s concerns about being susceptible to COVID-19 are not “extraordinary and
24 compelling.” At best, they are speculative. The facility is not a hotspot, and his medical
25 conditions, cholesterol and hypertension, are not considered high-risk, especially for his
26 age. Defendant is 47 years old.
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1 The Court does not, however, rule on the merits because the motion is moot. On
2 June 3, 2020, the Government filed a Notice that the Defendant is being transferred to home
3 confinement. (Doc. 209.)

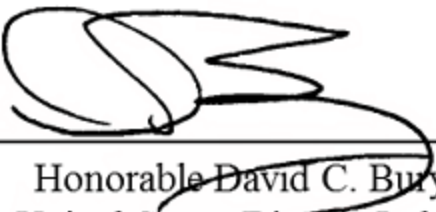
4 **Accordingly,**

5 **IT IS ORDERED** that the Motion for Compassionate Release (Docs 204, 205) is
6 DENIED as MOOT.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send a copy of this
8 Order to Keith Hilzendeger at the Federal Public Defender's office.

9 Dated this 24th day of June, 2020.

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Honorable David C. Bury
United States District Judge